

## **FAIRFAX COUNTY, VIRGINIA**

### **MEMORANDUM**

TO: Board of Supervisors

FROM: John J. Adair, Auditor to the Board  
Office of Financial and Programs Auditor

DATE: December 17, 2007

SUBJECT: Quarterly Status Report on Operations

#### **EXECUTIVE SUMMARY**

During this quarter, we began a review of revenue obtained from fines generated by Police summonses. The purpose of the review was to determine whether the County was receiving all the revenue it should from fines for traffic violations cited by the Police.

In essence, if a summons written by the Police cites a County code violation, the money from the fine belongs to the County. If a State code is cited, the money goes to the State.

The Police were able to determine that there were, during the first 9½ months of 2007, about 15,000 instances where the State code was cited by officers for traffic violations even though the County had codes for such violations that could have been cited. The Police took immediate action to help prevent this from happening in the future. We will determine, during the next quarter, the additional revenue generated through citing the County code for traffic violations whenever this is possible.

In about 19,000 additional instances where State code was cited by Fairfax officers, there was no comparable County code. The County Attorney's office said that Chapter 82 (Motor Vehicles and Traffic) of the County code will be reviewed and modified to include identical County codes for such violations where this is possible. We will monitor the County's efforts to revise Chapter 82 to adopt additional codes for certain traffic violations that at this time can only be cited by the Police as State code violations.

We continued our review of recruitment and retention problems in the Sheriff's Office. We made a number of suggestions to the County Executive that we believe would help reduce the number of vacancies. These suggestions, and others, are under consideration by the County Executive, and will be presented to the Board of Supervisors in the near future.

Construction of the Public Safety and Transportation Operations Center (PSTOC), continued to progress on schedule and within budget, and is about 75% complete as of the end of November 2007.

**REVIEW OF REVENUE**  
**FROM FINES FOR**  
**TRAFFIC VIOLATIONS**

At the Audit Committee's request, we began a review of revenue from fines levied by the General District Court for traffic violations. The Committee was concerned that the State, rather than Fairfax County, may be receiving the revenue from a number of the fines because some Fairfax police officers are citing State, rather than County, codes for some violations.

In essence, if a traffic summons written by the Police cites a County code violation, the money from the fine belongs to the County. If a State code is cited, the money goes to the State.

We met with a Police representative to discuss the concern about citing State codes on traffic summonses. He told us that in response to our inquiry he had determined that there were about 122,000 traffic summonses written during the first 9 ½ months of 2007. Of those, some 34,000 citations were written using State codes.

The Police representative said that about 19,000 of these citations were written using the State code because there was no corresponding County code. We were advised by a representative of the County Attorney's office that Chapter 82 (Motor Vehicles and Traffic) of the County code will be reviewed and modified to include identical County codes for such violations where this is possible. Representatives of the Police Department and the County Attorney's Office have scheduled a meeting for the week of December 31, 2007, to begin work on this project.

For the remaining 15,000 summonses written using State codes, the County had codes for the violations that should have been cited. The Police representative said the Police have taken immediate action, discussed below, to ensure County codes are cited in the future.

**Revenue From**  
**Traffic Violations**

The enforcement of speeding and other traffic regulations is intended to benefit the public by reducing the number of traffic accidents, especially fatal accidents and those resulting in serious injury. While some motor vehicle and traffic violations can result in incarceration, most result in a fine.

County Police now write more than 140,000 summonses for traffic violations each year. The County received more than \$8 million from fines for traffic violations in Fiscal Year 2007. The General District Court is the venue for traffic violations in Fairfax County.

Traffic violations carry different fines, depending on the severity of the violation. Speeding fines, for example, are calculated at \$5 per mile over the speed limit; however a

person speeding more than 20 miles over the limit may be charged with reckless driving which carries a much higher fine. Reckless driving and other violations, such as driving while intoxicated, can result in fines totaling thousands of dollars.

Since the revenue from traffic fines involves a substantial amount of money, and the determination of whether the County or State is entitled to revenue from fines hinges on how the citation is written, it is imperative that summonses be written properly.

**How County Traffic  
Violations are Supposed to be  
Recorded on Summonses**

The way Fairfax County police officers are supposed to record a traffic violation on a summons stems from a Board of Supervisors approval of an amendment to the County code in 1983. In February 1983, the Board of Supervisors adopted an amendment to Chapter 82 of the 1976 Code of the County of Fairfax, Virginia. The amendment said that

*pursuant to the authority of Section 46.1-188 of the Code of Virginia, all of the provisions and requirements of the Code of Virginia except those provisions and requirements the violation of which constitutes a felony, and except for those provisions and requirements which by their very nature can have no application with the county, as in force and effect on February 28, 1983, are hereby adopted and incorporated into this Code by reference and made applicable within the county.*

Adoption by reference means that specific State code sections were adopted literally as County code sections. This method of adoption ensures that there are no discrepancies between State and County laws. Each year the County, where possible, is supposed to update its code to incorporate the changes made to the State code pertaining to motor vehicles and traffic.

For the Fairfax Police Department, the only significant change required by the 1983 amendment to Chapter 82, according to a memo from the Fairfax County Chief of Police dated March 14, 1983 to his Command Staff, was to the code citation to be noted on a Uniform Traffic Summons.

It is imperative, the memo said, that Code Citations begin with 82 if a County violation which has been adopted by reference is being cited. This is a requirement, the memo continued, which has been mandated by the General District Court to ensure proper tracking of charges and distribution of fines levied.

At the present time, there are some traffic offenses that can be cited using only a County code, such as 82-4-25 (failure to keep vehicle under control). However, the vast majority of traffic offenses cited by Fairfax officers involve offenses adopted by the County by reference, with the exact wording of the relevant section of the State code adopted into the County code.

For prosecution purposes, the State code section and the County code section adopted by reference are identical.

For State violations adopted by the County by reference, the prefix 82-1-6 is to be used by Police officers. For example, if a person is driving too fast for conditions, they are violating both the County and State code. If the Fairfax traffic officer cites the State code on the traffic summons, which is 46.2-861, the State receives the money from the fine levied.

If the citation for the same violation begins with 82-1-6 before the State code numbers to indicate that the State law had been adopted by reference by the County, (in this example 82-1-6 (46.2-861) then the County receives the revenue from the fine levied for the infraction.

**County Code Has Not Always  
Been Cited on Police Summonses  
When Possible**

Officers attending the Police Academy are taught to cite the County code, if applicable, rather than the State code. However, some Fairfax Police officers have been citing State code when writing traffic citations.

In response to our questions, the Police were able to generate data showing how many summonses cited County code, and how many cited State code from January through mid October 2007.

The Police determined that 121,861 summonses had been written for the first 9 ½ months of calendar year 2007. Of this, 87,581 cited County code and 34,280 (about 28%) cited State code.

A Police representative said that of the 34,280 citations citing State code, some 19,018 were written because there was no corresponding County code to cite.

However, the Police representative said that for the remaining 15,262 violations a County code could have been cited.

We asked why Police would be citing State code when an identical County code could have been cited. One officer told us that there had been a problem with using the County code some years ago that had led to some cases being thrown out of Court. As a result,

he has been charging the State code on his summonses. Police representatives advised us, when commenting on our draft report, that this problem was solved by the adoption by the County of the State code by reference and is not an ongoing issue.

Another reason may be that some of the officers believed that writing the State code was all that was needed provided they checked the County block on the Virginia Uniform Summons. However, as discussed above, to ensure the summons is processed properly by the Court, the “Law Section” line must be completed with “82-1-6” followed by the applicable State code section that is adopted by reference. This issue, we were advised by the Police representative, is being addressed by the Police Department through training.

Finally, Police indicated that there may have been a misperception that use of the County code is a preference or recommendation. A Police representative assured us that the Department’s longstanding policy will be reaffirmed in writing that officers shall cite offenses under the County code whenever an applicable County code section exists.

The Police have taken a number of actions to ensure the County code is cited in the future. Short term solutions include a memorandum from the Chief of Police, mentioned above, reminding officers that they shall use the County code. In addition, the Department’s Field Training Instructors Manual now requires officers who are training new officers to cover this topic during the new officer’s field training experience. Moreover, first line supervisors have been reminded that it is their responsibility to review summonses to ensure compliance with Department policy.

The Police Department also has initiated an audit process that will include inspection of summonses at district stations and the Traffic Division and monthly computer runs to ensure compliance.

The Police Department advised us that they are working on a long term solution for the problem that would provide an electronic ticketing platform for traffic enforcement. This platform will default to the County code when an officer writes a traffic summons.

#### **Traffic Violations for Which A County Code Doesn’t Exist**

We spoke to Police officers who told us there were some instances where they had no choice but to write a traffic violation using a State code because there was no County code they could use that covered the situation. For example, there is no comparable County code for the State code violation for failure to use seat belts. A Police representative had told us that there were 19,018 citations written in the first 9 ½ months of 2007 because there was no corresponding County code to cite.

For many of these ordinances, such as the seat belt violations, it seemed to us there should be a County code that could be cited. Accordingly, we met with a representative of the County Attorney’s office to discuss this issue.

County Attorney staff advised us that Chapter 82 of the County code had not had a complete updating for many years, and that as a result there are State ordinances that should have been included in Chapter 82 of the County code, but were not. However, staff said that certain traffic violations are exclusively governed by State law and cannot be adopted by reference into the County code.

County Attorney staff said that a comprehensive review will be undertaken to bring the County code fully into compliance with the State code provisions where possible.

The County Attorney's Office representative immediately contacted the Police Department to start the process for having Chapter 82 revised. This will be a joint effort involving both the County Attorney's and Police Department staff. Representatives of the Police Department and the County Attorney's Office have scheduled a meeting for the week of December 31, 2007, to begin work on this project.

We will continue working with the Police Department, General District Court and the County Attorney's office during the next quarter to determine whether there is an increase in County revenue from Police officers citing County code instead of State code, and to follow the progress in revising Chapter 82 of the County code and creating an electronic ticketing system.

#### **REVIEW OF VACANCIES IN THE SHERIFF'S OFFICE**

During remarks in April 2007 about the FY 2008 County budget, it was noted that the Sheriff had communicated to the Board of Supervisors a significant issue of recruitment and retention of staff in his Office.

The Board directed that key County agencies, including our office, work with the Sheriff's Office to evaluate the number, and causes, of staff vacancies and return to the County Executive with recommendations on how to address them.

During this quarter, we completed our analysis of the vacancies and met with the County Executive to discuss ways to improve the vacancy situation. The County Executive has taken our suggestions, and others, under consideration and will be presenting his decision on the matter to the Board of Supervisors in the near future.

#### **Background**

The Sheriff's Office is responsible for managing the Fairfax County Adult Detention Center and Pre-Release Center, providing security in courthouses and the judicial complex, and serving legal process documents. The Office also interacts with other public safety agencies to allow for a broader response to threats within the community.

The Sheriff's Office Fiscal Year 2008 budget has 602 authorized positions and a budget of more than \$57.4 million. Reimbursements from the State, inmate room and board, and other fees provide more than \$21.2 million in income, resulting in net costs of about \$36.2 million.

The Adult Detention Center had an average daily population of 1,286 inmates in Fiscal Year 2007. They are overseen by the Sheriff's Office's Confinement Division, which was authorized 311 positions in the Fiscal Year 2008 budget.

Another major segment of the Sheriff's Office is the Court Services Division, which provides security for 34 judges and 37 courtrooms in Fairfax County, Fairfax City, and the towns of Herndon and Vienna. The Court Services Division is responsible for escorting prisoners to and from these courts. In addition, the Civil Enforcement staff of the Court Services Division processes more than 200,000 civil process documents annually. A staff of 115 is authorized for the Court Services Division.

Fifty positions are authorized for the Administrative Services area which handles such areas as human resources, information technology, training and financial services.

Support Services Division is authorized 126 positions. They handle medical services, logistics, classification and alternative incarceration.

### **Vacancies in the Sheriff's Department**

The Sheriff said that the vacancy rate from 2001 to April 2004 had been low, but that there was a significant increase in vacancies after the April 2005 adoption of the Fiscal Year 2006 budget by the Board of Supervisors. The budget that year decoupled the pay of the Sheriff's Office's from the Police Department.

As of the end of May 2005, the Sheriff said there were 9 vacancies in his Office, but the number of vacancies had increased to 55 by May 2007. As of September 2007, the vacancies had been reduced to 36. However, 50 of the recent hires had not had sufficient required training at the Police Academy and by Sheriff's Office staff to allow them to be used in the Adult Detention Center. As of December 2007, there were 46 vacancies in the Sheriff's Office.

### **Attempts to Improve Vacancy Rates**

Recognizing that most, if not all, the vacancies in the Sheriff's organization were at the entry level, in April 2006 the County Executive authorized the Sheriff to offer and pay a signing bonus of \$2,000 to each new hire through June 30, 2007. The signing bonus has been extended through June 30, 2008.

Despite the authorized signing bonus, and the Sheriff's Office's participation in more than a dozen job fairs, distribution of recruiting posters and brochures, recruitment at colleges and military bases and advertising in various publications, the Sheriff reported that the number of new hires has not kept pace with attrition.

The Sheriff identified an opportunity for additional revenue in the form of a State approved increase in the Courthouse Security fee from \$5.00 to \$10.00 per case, effective July 1, 2007.

The additional revenue from this increased fee is estimated at more than \$900,000 annually. The fee provides funding that could be redirected to other needs. The Board has directed that these funds be held in reserve pending the development of specific strategies and policies to address the recruitment and retention issues in the Sheriff's Office.

#### **Changes to Sheriff's Operations Discussed This Quarter**

During this quarter we met with the County Executive to discuss the vacancy situation. We discussed the possibility of implementing a Cadet program in the Sheriff's Office similar to one already being operated by the Police Department. This would enable the Sheriff's Office to hire high school graduates between the ages of 18 and 21. Currently, the Office is precluded from hiring individuals until they are 21 years of age.

Such a Cadet program would be helpful, but would not in itself be sufficient to resolve the vacancy problem.

We discussed other options for reducing the number of vacancies in the Sheriff's Office, including hiring civilians to replace several positions now staffed by uniformed officers. We also discussed the possibility of using the additional money being generated from the increased courthouse security fees to address the vacancy problem.

The County Executive and other County staff at the meeting presented other suggestions, and after all of the options discussed have been thoroughly considered, we were advised that the County Executive will be presenting his decision on the matter to the Board of Supervisors in the near future.

#### **PUBLIC SAFETY AND TRANSPORTATION OPERATIONS CENTER COSTS**

The County is building a new Public Safety and Transportation Operations Center (PSTOC). PSTOC will provide public safety and transportation services using coordinated technology and integrated data systems among Fairfax County, the Virginia Department of Transportation, and the Virginia State Police.



PSTOC will include an improved Emergency Operations Center, and a new Public Safety Communications Center that will improve the central routing for all 9-1-1 calls received in the County.

Also included in this project, but housed in a separate building, is the Fairfax County Police Department Forensics Facility, including the Crime Scene Section, the Electronic Surveillance Unit, space for the future DNA Laboratory, and NOVARIS (the Northern Virginia Regional Identification System).

The County's share of PSTOC, which includes the Emergency Operations Center and Public Safety Communications Center, is \$102.5 million. The Commonwealth of Virginia's share of PSTOC is about \$20 million. The Forensics Facility, which is being co-located with PSTOC, is an additional \$13 million. The total cost of PSTOC including the County and Commonwealth amounts and the Forensics Facility is \$135.5 million.

Because of the cost and relatively short time frame to complete the construction of the project, our office was asked to monitor the project to help provide assurance that it will be completed on time and within budget and will deliver the expected functionality.

#### **Progress This Quarter on the PSTOC Construction Project**

The County awarded a contract to the Manhattan Construction Company for \$56,111,000 in June 2006. The contract amount was in line with County estimates. Construction work began in August 2006.

As of the end of November 2007, the PSTOC facility is totally enclosed, and work is estimated by staff to be about 75% completed.

The primary electrical feed is connected and energized. A secondary feed will be installed in the Spring of 2008. As further protection, backup generators are being installed to ensure an uninterrupted supply of electricity to the PSTOC facility.

Installation of interior walls is nearly complete, and installation of thousands of miles of cable is underway. The mechanical equipment for heating, ventilation and air conditioning has been installed. The first boiler to heat the PSTOC facility is to be fired up by December 2007.

Change orders to the construction contract have been kept to a minimum. They amount to only about 1.5% of the cost of construction as of December 2007. This has been a major factor in keeping the PSTOC project construction work on schedule and within budget.

## **PSTOC Information**

### **Technology Progress**

About \$37 million of the County's PSTOC project cost involves information technology. Timing of the purchases of information technology equipment is very important because while the equipment must be available when the PSTOC becomes operational, the County wants to hold off on purchasing the equipment as long as possible to ensure it has the latest technological changes for the equipment purchased and to preclude warranties and support costs from commencing prematurely.

During this quarter, the Information Technology team:

- Completed negotiations with Verizon for telephone switches to support the 9-1-1 Call Center and the 9-1-1 backup/administrative telephone system;
- Awarded the audio/visual contract on December 11<sup>th</sup> to Lockheed Martin who will be responsible for the implementation of all the audio/visual requirements within the PSTOC;
- Ordered the data network equipment through an existing County contract;
- Completed the specifications and are in the process of identifying the vendor that will provide the 92 consoles for the communications operation floor and the furniture for the Emergency Operations Center; and
- Is using an existing County contract to acquire the furniture for the Emergency Operations Center. Specifications have been given to the vendor with a request to forward a price quote for this furniture.

As of this quarter, acquisition of the Information Technology systems is on schedule and within budget.

We will continue to provide periodic updates regarding the status of the PSTOC project in future quarterly status reports.